

# Wetlands Bureau Decision Report

Decisions Taken  
08/15/2005 to 08/21/2005

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2004-00938                      HAMILTON, RON**  
**THORNTON   Pemigewasset River**

### Requested Action:

Amend permit to: Dredge and fill approximately 7,703 square feet (343 linear feet) within the bank of the Pemigewasset River to stabilize a severely eroding segment of riverbank. Project activities also include a rip rap toe, groundwater drain, with outlets within the bank and installation of native brush layers, and live stakes along the bank.

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### Conservation Commission/Staff Comments:

The Thornton Conservation Commission did not comment on this application.

Inspection Date: 06/16/2004 by Jocelyn S Degler

### APPROVE AMENDMENT:

Dredge and fill approximately 7,703 square feet (343 linear feet) within the bank of the Pemigewasset River to stabilize a severely eroding segment of riverbank. Project activities also include a rip rap toe, groundwater drain, with outlets within the bank and installation of native brush layers, and live stakes along the bank.

### With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering dated May 2004, and revised through June 2005, as received by the Department on July 20, 2005.
2. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
3. This permit is contingent upon the establishment of a vegetated buffer.
4. This permit is contingent upon the installation of the groundwater interceptor trench.
5. The groundwater trench shall be constructed prior to final bank stabilization.
6. No machinery shall enter the water.
7. Work shall be done during annual low flow conditions and during the months of May through September. No in-stream work shall occur after October 1 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game.
8. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the restoration areas are constructed in accordance with the plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
9. The permittee shall notify in writing the NHDES Wetlands Bureau, the Thornton Conservation Commission and the Pemigewasset River Local Advisory Committee at least 7 days prior to the commencement of project construction.
10. Appropriate erosion and salutation controls shall be installed prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
13. Precautions shall be taken within riparian areas to limit removal of vegetation to provide temporary construction access.
14. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. All work shall be done from the top of the bank.
17. Excavated material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.

18. All temporarily stockpiled material shall be placed out any area that is within the jurisdiction of the DES Wetlands Bureau.
19. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
20. Only native plant species shall be utilized to renegotiate the riverbank and permanent beam. 21. Native live plantings shall be installed by September 15, 2005, on previously stabilized banks, and dormant willows shall be planted by October 30, 2005.
22. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
24. A post-construction report documenting the status of the restored jurisdictional area, including photographs during and post construction shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
25. The permittee or a designee shall conduct a follow-up inspection after the first full growing season, to review the success of the project and schedule remedial actions if necessary. A report outlining the project status including photographs and any follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second year following the completion of the project.

With Findings:

The Department reaffirms findings 1-12 of the original approval and makes the additional findings:

13. The bank continues to slump due to groundwater saturation, the interceptor trench should help reduce the groundwater flow to the bank.
14. The proposed catch basin will have a treatment unit within it and does not accept runoff from the parking area.
15. The applicant has demonstrated it is not feasible to outlet the trench on the lower flood plain area providing better treatment prior to discharging into the river.

**2004-02615                      MARSHFIELD REALTY TRUST**  
**WOLFEBORO   Unnamed Wetland**

Requested Action:

Retain 1025 square feet of previously filled wetland and dredge and fill 22,895 square feet of palustrine forested wetland for access in the subdivision of 74.14 acres into 24 single family lots. Mitigate for the proposed impacts by preserving 7.53 acres off site via conservation easement.

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Conservation Commission/Staff Comments:

The Wolfeboro Conservation Commission has no objection provided the applicant provides adequate mitigation for the proposed impacts.

APPROVE PERMIT:

Retain 1025 square feet of previously filled wetland and dredge and fill 22,895 square feet of palustrine forested wetland for access in the subdivision of 74.14 acres into 24 single family lots. Mitigate for the proposed impacts by preserving 7.53 acres off site via conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates Inc dated September 2004, and revised through January 26, 2005, as received by the Department on February 14, 2005, and Subdivision Plans by Norway Plains Associates Inc dated May 2004, and revised through May 2004 and as received by the Department on June 29, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the

registered permit shall be submitted to the DES Wetlands Bureau.

7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be done during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.
19. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

1. This permit is contingent upon the execution of a conservation easement on 7.53 acres as depicted on plans received June 29, 2005.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation area prior to construction.
5. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
6. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
7. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
8. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
9. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c); Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The site is 74.4 acres, the main access to the site is an existing driveway, bordered on either side by wetlands. To meet town roadway standards and for public safety this access must be widened into the existing wetlands.
3. The existing Right of Way easement requires a wetland crossing to enter the principle portion of the lot.
4. The town of Wolfeboro does not allow cul-de-sacs over 1800 linear feet. The proposed roadway is 5600 linear feet, and thus must be a through road to meet local requirements.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant has considered alternative roadway alignments to eliminate wetland impacts. However, they would either not meet town standards, would encroach further into the wetlands, would impact abutters due to the proximity of the road or provide public safety concerns.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. The applicant has provided culverts at the existing grades to maintain the existing hydrology within the wetlands.
9. The applicant has provided 2:1 roadway slopes to minimize impacts to wetlands.
10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
11. DES Staff conducted a field inspection of the proposed project on November 15, 2004. Field inspection determined the wetlands had been recently logged and disturbed, there are several areas where slash was left in the wetlands and some rutting has occurred.
12. The proposed crossings are located in the same locations as the original logging locations.
13. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of the remaining wetland ecosystem.
14. The Wolfeboro Conservation Commission has no objection provided the applicant provides adequate mitigation for the proposed impacts.
15. The applicant proposes to fill approximately 10 ft from the southwestern abutting property (Patten, Tax Map 188-3).
16. The applicant proposes to fill approximately 1 ft from the southeastern abutting property (Sanborn, Tax Map 188-2).
17. The applicant proposes to fill approximately 1 ft from the northwestern abutting property (Martin, Tax Map 174-2-4).
18. The applicant has provided a letter of agreement from each affected abutter, for impacts within 20 feet of the property line, in accordance with Administrative Rule Wt 304.04.
19. The applicant has addressed the requirements of Chapter 800 with their proposed mitigation package.
20. The applicant understands that docking rights from the proposed easement area is not transferable to the remaining frontage on Rust Pond.

**2005-00085                      CASSIS, NICK**  
**WOLFEBORO   Unnamed Wetland Sargents Pond**

**Requested Action:**

Dredge and fill 11,810 square feet of Prime Wetland for access in the subdivision of 75.9 acres for 20 single family residential lots.  
Mitigate for proposed impacts by preserving 5.37 acres of upland buffer adjacent to the prime wetland.

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**Conservation Commission/Staff Comments:**

See findings.

**APPROVE PERMIT:**

Dredge and fill 11,810 square feet of Prime Wetland for access in the subdivision of 75.9 acres for 20 single family residential lots.  
Mitigate for proposed impacts by preserving 5.37 acres of upland buffer adjacent to the prime wetland.

**With Conditions:**

1. All work shall be in accordance with plans by White Mountain Survey Co Inc dated April 16, 2004, and revised through May 11, 2005 as received by the Department on May 17, 2005 and Mitigation Plans by White Mountain Survey Co Inc dated December 3, 2004, as revised through July 27, 2005, as received by the Department on August 1, 2005.

2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #5 of this approval.
7. Subdivision lots 18 and 19 do not have navigable frontage and therefore there shall be no docking structures permitted or constructed on these lots.
8. The deed which accompanies the sales transaction for lots 18 and 19, in this subdivision shall contain condition #7 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
10. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
11. Prior to the commencement of construction the permittee shall install orange construction fencing to define the natural upland buffer zone around the designated prime wetlands.
12. The deed for subdivision lots 1-7, 9, 10, and 16-20 shall include the conditions of this permit.
13. The boundaries of the 75 foot wetland buffer shall be clearly marked prior to construction, with permanent markers.
14. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
15. Work within the wetlands shall be done during low flow.
16. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
17. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
18. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
19. Proper headwalls shall be constructed within seven days of culvert installation.
20. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
21. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
24. Silt fencing must be removed once the area is stabilized.
25. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

Mitigation Conditions:

26. This permit is contingent upon the execution of a conservation easement on 5.37 acres as depicted on plans received August 1, 2005.
27. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
28. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
29. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the

conservation area prior to construction.

30. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.

31. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.

32. The Wetlands Bureau shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.

33. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.

34. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.

2. The applicant has been unsuccessful in attempts to access the viable uplands through abutting properties.

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has placed the crossing location in the narrowest portion of the wetland, within the most common system type and as far up into the headwaters of the system as possible.

4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.

6. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will preserve the ability of the wetlands to retain floodwaters and silt.

7. The approved plans and conditions of the permit provide for a 75 foot buffer around the Prime Wetland area.

8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.

9. Based on the inspection conducted on May 12, 2005 by DES Wetlands Staff, the project as proposed will minimize the environmental impacts.

10. Based on findings above, DES finds that there is clear and convincing evidence that this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

11. The Conservation Commission supports the proposed application and is willing to serve as the conservation easement holder.

12. The applicant has provided mitigation in accordance with Chapter Wt 800 of the Administrative Rules.

13. The applicant has provided all of the information as required by Wt 304.09.

14. The Department of Environmental Services waives the 28 day waiting period for this permit described in Wt 704.01, as we have received letters from the municipal conservation commission, planning board, municipal executive body, applicant, and other interested parties who have entered written testimony or attended the public hearing stating they support issuance of the permit.

15. DES held a public hearing on this application on May 17, 2005.

Requested Action:

Deny permit request to fill 11,810 square feet of Prime Wetland for access in the subdivision of 75.9 acres for 20 single family residential lots.

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DENY PERMIT:

Deny permit request to fill 11,810 square feet of Prime Wetland for access in the subdivision of 75.9 acres for 20 single family residential lots.

Requested Action:

Add 5 linear ft to an existing 65 linear ft L-shaped breakwater with a 6 ft gap at the shoreline and a 4 ft x 30 ft cantilevered dock to a 4 ft x 27 ft cantilevered dock on 150 ft of frontage on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com has no objections

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Add 5 linear ft to an existing 65 linear ft L-shaped breakwater with a 6 ft gap at the shoreline and a 4 ft x 30 ft cantilevered dock to a 4 ft x 27 ft cantilevered dock on 150 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated July 21, 2005, as received by the Department on July 25, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. The total length of the breakwater as measured at normal full lake shall not exceed 70 ft.
6. No portion of breakwater above as measured at normal full lake shall extend more than 50 ft from normal full lake shoreline.
7. Top of breakwater shall be no more than three feet in elevation above normal full lake elevation.
8. No portion of the breakwater, including the underwater portion, shall be within 20 ft of abutting property lines or an imaginary extension of those lines into the lake.
9. These shall be the only structures on this water frontage.
10. Rocks shall not be stockpiled in jurisdiction.
11. No rocks shall be dredged or deposited within 20 feet of an abutting property line or the imaginary extension of that line into the water.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), modification of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
3. The applicant has an average of 150 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A Boatslip, and therefore meets Rule Wt 402.12.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.

-Send to Governor and Executive Council-

**2005-01204                      NEWELL, GLENN & MARGARET**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Fill 610 sq ft to construct 45 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 44 ft cantilevered pier with three tie off piles in the northern slip on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.



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Conservation Commission/Staff Comments:

Con Com has no concerns

NH F & G and NH NHI will not be responding

APPROVE PERMIT:

Fill 610 sq ft to construct 45 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 44 ft cantilevered pier with three tie off piles in the northern slip on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated May 23, 2005, as received by the Department on June 2, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. Rocks may not be stockpiled on the frontage.
11. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
12. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.07, Breakwaters.
3. The applicant has an average of 100 feet of frontage along Lake Winnepesaukee, Alton.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.12.
6. Public hearing is waived based on several field inspections of the area by NH DES staff with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection of the area on prior files found no evidence of sand migration along this shoreline.
8. The local Conservation Commission has no concerns of the proposed project.

-Send to Governor and Executive Council-

2005-01264

THOMPSON, MICHAEL

ALTON Lake Winnepesaukee

Requested Action:

Fill 450 sq ft to construct 34 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 35 ft

cantilevered pier connected to a 6 ft by 35 ft piling supported dock by a 4 ft by 12 ft walkway, and install a three piling ice cluster on 100 feet of frontage on Rattlesnake Island, on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com has no concerns

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Fill 450 sq ft to construct 34 linear ft of breakwater, in an "I" configuration, with a 6 ft gap at the shoreline, and a 4 ft x 35 ft cantilevered pier connected to a 6 ft by 35 ft piling supported dock by a 4 ft by 12 ft walkway, and install a three piling ice cluster on 100 feet of frontage on Rattlesnake Island, on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated May 26, 2005, revision date August 19, 2005, as received by the Department on August 19, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
5. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. No portion of breakwater as measured at normal full lake shall extend more than 40 feet from normal full lake shoreline.
8. The breakwater shall not exceed 3 feet in height(Elev. 507.32) over the normal high water line(Elev. 504.32).
9. The width as measured at the top of the breakwater(Elev. 507.32) shall not exceed 3 feet.
10. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
11. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
12. The minimum clear spacing between pilings shall be 12 feet.
13. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483 B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Wt 402.06, Breakwaters.
3. The applicant has an average of 100 feet of frontage along Lake Winnepesaukee, Alton.
4. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A and therefore meets Rule Wt 402.12.
6. Public hearing is waived based on prior field inspections of the site by NH DES staff with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Prior field inspection of this area found no evidence of sand migration along this shoreline.
8. The local Conservation Commission has no concerns with the proposed project.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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### **2004-01941                      SEABROOK WATER DEPT, TOWN OF SEABROOK   Tidal Buffer**

#### Requested Action:

Excavate, regrade or otherwise alter terrain in 1,500 sq. ft. of previously impacted upland tidal buffer zone (Walton Road extension) to replace and upgrade 500 linear feet of water service line and install a new fire hydrant.

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#### Conservation Commission/Staff Comments:

The Seabrook Conservation Commission recommends approval of the project to upgrade the water main and install a fire hydrant.

#### APPROVE PERMIT:

Excavate, regrade or otherwise alter terrain in 1,500 sq. ft. of previously impacted upland tidal buffer zone (Walton Road extension) to replace and upgrade 500 linear feet of water service line and install a new fire hydrant.

#### With Conditions:

1. All work shall be in accordance with plans by Town of Seabrook Water Department dated August 10, 2004, as received by the Department on August 18, 2004.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. Area shall be regraded to original contours following completion of work.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

#### With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(b), work within 50 feet of a salt marsh.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

### **2005-00397                      LACONIA, CITY OF LACONIA   Jewett Brook**

#### Requested Action:

Impact a total of 1392 square feet to replace an existing bridge over Jewett Brook further described as follows: Permanently impact 1182 square feet for installation of a box culvert, and associated riprap and temporarily impact 210 square feet for construction and water diversion.

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#### Conservation Commission/Staff Comments:

The Laconia Conservation Commission has no objections to the proposed project.

#### APPROVE AMENDMENT:

Impact a total of 1392 square feet to replace an existing bridge over Jewett Brook further described as follows: Permanently impact 1182 square feet for installation of an open bottom box culvert, and associated riprap and temporarily impact 210 square feet for construction and water diversion.

With Conditions:

1. All work shall be in accordance with plans by Hoyle Tanner and Associates Inc dated April 2005, as received by the Department on May 24,2005.
2. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
1. All work shall be in accordance with plans by Hoyle Tanner and Associates Inc dated April 2005, as received by the Department on May 24,2005.
2. All erosion control and sedimentation measures shall be executed as described in the Erosion and Sediment Control and Stormwater Management Plan by Northeast Engineering PLLC, dated June 2005, as received by the Department June 27, 2005.
3. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. A copy of the recorded construction easement between the City of Laconia and Dorothy Stevens shall be submitted to DES Wetlands Bureau prior to the start of construction.
5. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
6. Work shall be done during low flow.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse.
10. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
11. The Permittee shall monitor the weather and will not commence work within flowing water, including the installation of cofferdams, when rain is in the forecast.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
14. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
15. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
16. Temporary cofferdams shall be entirely removed immediately following construction.
17. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering jurisdictional areas. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of jurisdiction during construction.
21. Banks shall be restored to a stable condition within three days of completion of construction.
22. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
23. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
25. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be

stabilized within 14 days by seeding and mulching.

26. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

27. Silt fencing must be removed once the area is stabilized.

28. A post-construction report documenting the status of the restored banks shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

The Department reaffirms findings 1-8 of the original approval.

9. The applicant has provided evidence that the box culvert is the least impacting, practicable alternative due to subsurface conditions and proximity to abutters.

**2005-00616                      LETENDRE, RICHARD**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Permanently remove two existing crib supported 6 ft by 39 ft 6 in docks connected by a 15 ft by 9 ft crib supported walkway and construct two 6 ft by 39 ft 6 in piling supported docks connected by a 15 ft by 4 ft crib supported walkway, add two 3 piling ice clusters, add two tie off piles in the southern slip, add a 14 ft by 36 ft seasonal canopy supported by 6 piles with a boatlift in the northern slip on 155 ft of frontage on Lake Winnepesaukee, Gilford.

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Conservation Commission/Staff Comments:

Con Com has no objections to proposed project.

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Permanently remove two existing crib supported 6 ft by 39 ft 6 in docks connected by a 15 ft by 9 ft crib supported walkway and construct two 6 ft by 39 ft 6 in piling supported docks connected by a 15 ft by 4 ft crib supported walkway, add two 3 piling ice clusters, add two tie off piles in the southern slip, add a 14 ft by 36 ft seasonal canopy supported by 6 piles with a boatlift in the northern slip on 155 ft of frontage on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction revision dated August 5, 2005, as received by the Department on August 8, 2005.

2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.

3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if it later determines that any "existing structures" were not previously permitted or grandfathered in their current configuration.

4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. This permit does not allow for maintenance dredging.

7. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the Permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.

8. Repairs shall maintain existing size, location and configuration.

9. The minimum clear spacing between piles shall be 12 feet.

10. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.

11. This shall be the only canopy on the frontage. The canopy shall be reduced to the current standards for dimensions if any other canopies are added to the frontage or docking facility.

12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), modification of a docking structure that Wt 402.01.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The removal of the crib supported structure and construction of a piling supported structure meets the requirement pursuant to Wt 402.20 and is therefore less impacting.
6. NH NHI and NH Fish and Game will not be submitting comments.
7. The applicant has agreed to reduce the canopy to current standards if any other canopies are added to the frontage or docking facility.

**2005-00666                      FOX BROOK HOLDINGS LLC**  
**CONCORD   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 4200 square feet of man made wetland for drainage improvements associated with lot development.

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Conservation Commission/Staff Comments:

The conservation commission has concerns with the impacts to the local wetland buffer setbacks.

APPROVE PERMIT:

Dredge and fill a total of 4200 square feet of man made wetland for drainage improvements associated with lot development.

With Conditions:

1. All work shall be in accordance with plans by McFarland Johnson Inc dated April 22, 2005, and revised through June 7, 2005, as received by the Department on July 18, 2005 and Landscaping Plan by WarrenStreet Architects revised May 12, 2005 and received July 18, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
5. Work shall be conducted during low water conditions.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or the local wetlands buffer.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
10. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
11. Silt fencing must be removed once the area is stabilized.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control

Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f);
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has provided a naturalized detention basin that will treat and enhance the surrounding environment.
6. The wetlands impacted by this proposed project are all man made.
7. The applicant has provided information relative to the impacts of the local wetland buffer. DES has no jurisdiction over these impact areas, and this must be addressed at a local level.

**2005-00959 CLAREMONT, CITY OF  
CLAREMONT Unnamed Stream**

Requested Action:

Dredge and fill 1,342 sq. ft. to replace a 40 in. x 80 ft. culvert with a 6 ft. x 2 ft. x 90 ft. concrete box culvert in an unnamed stream.

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APPROVE PERMIT:

Dredge and fill 1,342 sq. ft. to replace a 40 in. x 80 ft. culvert with a 6 ft. x 2 ft. x 90 ft. concrete box culvert in an unnamed stream.

With Conditions:

1. All work shall be in accordance with plans by CMA Engineers dated April 2005, as received by the Department on July 28, 2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Before commencing work on a structure located within surface waters, a cofferdam shall be constructed to isolate the structure work area from the surface waters.
4. All discharges from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to track weather conditions.
6. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
7. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
8. Faulty equipment shall be repaired prior to entering jurisdictional areas.
9. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
10. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Temporary impact areas shall be regraded to original contours following completion of work.
15. Proper headwalls shall be constructed within seven days of culvert installation.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l), projects that alter or disturb less than 200 feet of an intermittent or perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-01180                      STRATFORD, TOWN OF**  
**STRATFORD   Unnamed Wetland**

Requested Action:

Temporarily impact 3,691 square feet of palustrine forested and scrub shrub wetlands, and 2,700 square feet (impacting 170 linear feet) within the bed and banks of Bog Brook to install a new community sewer main.

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APPROVE PERMIT:

Temporarily impact 3,691 square feet of palustrine forested and scrub shrub wetlands, and 2,700 square feet (impacting 170 linear feet) within the bed and banks of Bog Brook to install a new community sewer main.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated May 2005, as received by the Department on May 26, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Work within Bog Brook shall occur during low flow conditions within the growing season.
7. All work within flowing streams shall be conducted in the dry using a dam and flume or dam and pump method.
8. All in-stream work shall be conducted in a manner so as to minimize the duration of construction in the watercourse. The NHDES Wetlands Bureau shall be notified in writing where in-stream construction exceeds 48 continuous hours.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. The applicant shall notify NHDES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
11. Temporary cofferdams shall be entirely removed immediately following construction.
12. Wetland areas shall be regraded to original contours following completion of work and shall be restored to their pre-construction conditions.
13. Wetland restoration of temporary impact areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or they shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
14. Stream banks shall be restored to a stable condition and shall be restored to the same as or better than pre-construction



conditions.

15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a Minor Project per NH Administrative Rule Wt 303.03(h), as wetland impacts are less than 20,000 square feet.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-01188                      SHAW, JARED**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Permanently remove approximately 55 cy of abandoned breakwater fill material from 450 sf of lakebed, construct a 6 ft by 40 ft seasonal dock attached to a natural boulder on the shoreline, install a seasonal boatlift in the southern slip on Rattlesnake Island in Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com has no concerns

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Permanently remove approximately 55 cy of abandoned breakwater fill material from 450 sf of lakebed, construct a 6 ft by 40 ft seasonal dock attached to a natural boulder on the shoreline, install a seasonal boatlift in the southern slip on Rattlesnake Island in Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated May 9, 2005, as received by the Department on May 31, 2005.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit supercedes the dock approved under the Seasonal Dock Notification, permit number 2005-673 and does not allow for two docks on the frontage.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. Dredged material including rocks shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. Seasonal pier shall be removed from the lake for the non-boating season.
9. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
10. Seasonal boatlifts shall be removed from the lake for the non-boating season.

11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(a), projects that do not meet Wt 303.02, Wt 303.04, or Wt 303.05.

**2005-01310 WESTMORELAND, TOWN OF  
WESTMORELAND Unnamed Stream**

Requested Action:

Dredge and fill 900 square feet of jurisdictional surface waters and bank to replace a deteriorating 5-foot x 60-foot corrugated metal culvert with a 4-foot x 6-foot x 67.6-foot concrete box culvert and associated headwalls and rip-rap.

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Conservation Commission/Staff Comments:

The Conservation Commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 900 square feet of jurisdictional surface waters and bank to replace a deteriorating 5-foot x 60-foot corrugated metal culvert with a 4-foot x 6-foot x 67.6-foot concrete box culvert and associated headwalls and rip-rap.

With Conditions:

1. All work shall be in accordance with plans and narratives prepared by Gary Hudson, Road Agent for the Town of Westmoreland, received by the Department on June 13, 2005 and August 15, 2005.
2. Any work outside of the existing Town road right-of-way will require written permission from the landowner and copies of the written permission shall be submitted to DES, Wetlands File No. 2005-1310 prior to construction.
3. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
4. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
5. All in-stream work shall be conducted in a manner that minimizes the duration of construction in the watercourse. In-stream work shall not exceed five consecutive days in total unless specifically authorized in writing by the Wetlands Bureau.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation.
7. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
8. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during access road construction and areas cleared of vegetation to be revegetated within three days of the completion of this project.
9. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l); projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The project is being supported and funded by a grant from the Federal Emergency Management Agency.
5. The NH Department of Fish and Game Department did not submit concerns or comments to DES for the proposed project.
6. The proposed project is replacing a deteriorated culvert and stabilizing eroding banks.
7. The proposed box culvert elevation will match non-impacted streambed grade allowing for increased fish and wildlife passage.

## MINIMUM IMPACT PROJECT

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**2005-01012                      MOHL, BRUCE**  
**ROCHESTER   Unnamed Wetland**

### Requested Action:

Impact 2,956 square feet of wet meadow for the installation of a 18-inch by 40-foot culvert to provide access to (2) two single family residential lots as a common drive as part of a 4-lot subdivision of 21.98 acres.

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### Conservation Commission/Staff Comments:

The Rochester Conservation Commission recommends denial of the project.

### APPROVE PERMIT:

Impact 2,956 square feet of wet meadow for the installation of a 18-inch by 40-foot culvert to provide access to (2) two single family residential lots as a common drive as part of a 4-lot subdivision of 21.98 acres.

### With Conditions:

1. All work shall be in accordance with plans by Norway Plains Associates, Inc. dated April 2005 and May 2005, as received by the Department on July 26, 2005.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Work shall be done during low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

### With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less 3,000 square feet of jurisdictional wet meadow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. A letter from the Rochester Conservation Commission (RCC) was received by the Wetlands Bureau on June 3, 2005. In the letter the RCC recommended denial of the project because access could be obtained elsewhere and avoid impacts to any

jurisdictional area. In addition, the RCC requested the Bureau's consideration of Rochester's 50-foot wetlands buffer.

6. The Department finds the proposed location of the shared drive is the least impacting alternative. Although the relocation of the drive to the east of the wetland will not impact wetlands there is the possibility that the property owners will seek individual drives at a later date to avoid using a shared drive. Thereby, the current proposal is ultimately the least impacting alternative because only two properties will share this drive and no further impacts will be needed.

7. In addition, the Wetlands Bureau does not mandate a setback or buffer from wetlands, therefore the Bureau cannot enforce Rochester's 50-foot buffer from wetland.

8. A letter from John W. Hackett was received by the Wetlands Bureau on May 24, 2005. In summary, Mr. Hackett expresses the same concerns as the RCC as well as the increase of water run-off onto his property.

9. Upon field inspection by DES personnel on August 1, 2005 and review of the proposed topographic plan, the Bureau finds that the proposed impact will not adversely affect Mr. Hackett's property. Currently Mr. Hackett receives seasonal flooding and run-off from the hill located behind (southeast) his property. Also, being at the foot of the hill, Mr. Hackett is subject to flooding due to seepage from a high ground water table. The hydraulic pressure up gradient from Mr. Hackett's property influences the flooding in his back yard in the spring. The construction of the roadway through the wetland will not exacerbate flooding onto Mr. Hackett's property. The natural topography slopes easterly, away from his property. If the drive were located closer to his property line, the run-off would certainly increase on his property, but the current proposal will carry flows away.

**2005-01020                      WARNER, TOWN OF**  
**WARNER    Unnamed Stream**

Requested Action:

Dredge and fill 480 sq. ft. to replace existing 48 in. x 60 ft. culvert with one of the same dimensions for a crossing of an unnamed intermittent stream on Poverty Plains Road.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 480 sq. ft. to replace existing 48 in. x 60 ft. culvert with one of the same dimensions for a crossing of an unnamed intermittent stream on Poverty Plains Road.

With Conditions:

1. All work shall be in accordance with plans by Allan Brown, as received by the Department on May 17, 2005.
2. Work shall be done during low flow.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Silt fence(s) must be removed once the area is stabilized.

**2005-01257                      KEENE STATE COLLEGE, JAY KAHN**  
**KEENE    Brick Yard Pond**

Requested Action:

Temporary impact of approximately 140 square feet of jurisdictional bank to provide temporary workspace during the construction of a new residence hall.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Conservation Commission did not comment on this application.

**APPROVE PERMIT:**

Temporary impact of approximately 140 square feet of jurisdictional bank to provide temporary workspace during the construction of a new residence hall.

**With Conditions:**

1. All work shall be in accordance with plans dated May 9, 2005 and narratives dated May 31, 2005 prepared by Vanasse Hangen Brustlin, Inc., as received by the Department on June 6, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
7. The permittee shall designate a qualified professional who will be responsible for overseeing the proposed wildlife enhancement plantings.
8. All removal of invasive species shall be in compliance with the recommendations of the NH Department of Agriculture.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(m), projects that disturb less than 50 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Wt 303.03 or Wt 303.02.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Ashuelot River Local Advisory Committee (ARLAC) letter received by DES on June 29, 2005 stated that the "ARLAC has no comments to submit".
6. The NH Department of Fish and Game Department did not submit concerns or comments to DES for the proposed project.
7. The Conservation Commission did not comment on this application.

**FORESTRY NOTIFICATION**

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**2005-01807                      DAVIS, ROBERT/SHARON**  
**CAMPTON   Unnamed Stream**

**2005-01863                      METCALF, RICHARD & ROBERT**  
**SANBORTON   Unnamed Stream**

**COMPLETE NOTIFICATION:**  
Gilmanton Tax Map 20, Lot# 17

**2005-01864                      EJARQUE, PETER**  
**ALTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Alton Tax Map 5, Lot# 41

**2005-01866                      GAMSBY, OTIS & JOYCE**  
**GOFFSTOWN   Unnamed Stream**

COMPLETE NOTIFICATION:

Goffstown Tax Map 8, Lot# 13B

**2005-01867                      PHILLIPS EXETER ACADEMY**  
**KENSINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Kensington Tax Map 18, Lot# 1

**2005-01880                      TWITCHELL HEIRS, C/O TOM CARNEY**  
**MILLSFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Millsfield Tax Map 1, Lot# 1

**2005-01881                      MEADOWSEND SAWMILL**  
**HOPKINTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Hopkinton Tax Map 254, Lot# 3

**2005-01891                      VINTAGE LANDS LLC, STANLEY JACKSON**  
**WARREN   Unnamed Stream**

COMPLETE NOTIFICATION:

Warren Tax Map 6, Lot# 13

**2005-01892                      BAYROOT LLC, MOXIE TREE FARM**  
**ATK GIL GRANT   Unnamed Stream**

COMPLETE NOTIFICATION:

Atkinson-Gilmanton Academy Tax Map 1628, Lot# 2

**2005-01893                      DUNCAN, ANDREW & LAUREL HORNE**  
**WARNER   Unnamed Stream**

COMPLETE NOTIFICATION:

Warner Tax Map 5, Lot# 8, 8-1, 14

**EXPEDITED MINIMUM**

\*\*\*\*\*

**2001-01201                      WHITEMORE, FRANK**  
**LEE    Unnamed Wetland**

Requested Action:

Approve name change to: Dean Rubine & Ruth Sample, 21 Cherry Lane, Madbury NH 03823 per request received 8/12/2005.

\*\*\*\*\*

APPROVE NAME CHANGE:

Fill 2,898 sq. ft. of forested wetland including installation of two 12" culverts and a timber and I-beam bridge for construction of a driveway to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by MJS Engineering dated March 12, 2001 including revisions dated August 16, 2001, as received by the Department on June 25, 2001 and August 20, 2001.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Proper headwalls shall be installed.
6. Culvert outlets shall be properly rip rapped.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Siltation/erosion controls shall be inspected by a qualified engineer or wetland scientist after initial installation and following all rain events to insure that they are installed properly and are working effectively.
10. Work shall be done during the dry season during low flow.
11. The driveway and crossings shall be completed and fully stabilized prior to commencement with any other land alteration or development on the site.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**2005-01171                      GREENFIELD MANAGEMENT LLC**  
**BEDFORD    Tributary To Mcquade Brook**

Requested Action:

Impact 780 square feet of forested wetland to install a 15-inch by 18-foot culvert for access to balls fields located in uplands.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Bedford Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Impact 780 square feet of forested wetland to install a 15-inch by 18-foot culvert for access to balls fields located in uplands.

With Conditions:

1. All work shall be in accordance with plans by True Engineering dated March 8, 2005 and revised through July 11, 2005, as received by the Department on July 14, 2005.
2. Per NH Fish and Game Dept., a 50-foot undisturbed buffer measured from the top of bank of the stream shall be delineated on-site prior to the commencement of work and shall remain during construction.
3. There shall be no further alteration of jurisdictional area for lot development, driveways, culverts, or for any other construction related activities.
4. Work shall be done during low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04 (f), alteration of less than 3,000 square feet of jurisdictional forested wetland/wet meadow.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. NH Fish and Game Dept., Nongame and Endangered Species Program submitted a letter dated July 7, 2005, requesting a 50-foot buffer from the McQuade Brook corridor to ensure the protection of the banded sunfish and especially the wood turtle (*Clemmys guttata*).
6. On a revised plan, the applicant depicted a 50-foot undisturbed buffer between the proposed construction and the top of bank of the stream.

**2005-01499                      GOLTER, JOSEPH**  
**PORTSMOUTH   Unnamed Wetland Sagamore Creek**

Requested Action:

Temporarily impact 1,200 square feet with the 100-foot Tidal Buffer Zone to replace an antiquated septic system for a two-bedroom single family dwelling on 0.32 acres with 99.64 feet of shoreline frontage on Sagamore Creek.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Portsmouth Conservation Commision signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 1,200 square feet with the 100-foot Tidal Buffer Zone to replace an antiquated septic system for a two-bedroom single family dwelling on 0.32 acres with 99.64 feet of shoreline frontage on Sagamore Creek.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated May 5, 2005, as received by the Department on July 1, 2005.
2. Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.



5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to jurisdictional areas, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2005-01591                      GRENNON, MICHELE**  
**NEW CASTLE   Atlantic Ocean**

Requested Action:

Temporarily impact 1,665 square feet with the 100-foot Tidal Buffer Zone to replace an antiquated septic system for a four-bedroom single family dwelling on 0.583 acres with 140.94 feet of shoreline frontage on the Atlantic Ocean.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The New Castle Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 1,665 square feet with the 100-foot Tidal Buffer Zone to replace an antiquated septic system for a four-bedroom single family dwelling on 0.583 acres with 140.94 feet of shoreline frontage on the Atlantic Ocean.

With Conditions:

1. All work shall be in accordance with plans by NH Soil Consultants, Inc. dated May 2005, as received by the Department on July 18, 2005.
2. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
8. No fill shall be done for lot development.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. In accordance with Wt 304.04, the applicant received written consent from the abutter identified as David F. Mahoney (New Castle Tax Map 10 Lot 30) concurring with the impact within 20-feet of his property line.

**2005-01592                      EXETER, TOWN OF**  
**EXETER    Unnamed Wetland**

Requested Action:

Impact 849 square feet of forested wetland to install five (5) puncheon boardwalks on Jolly Rand Trail.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Exeter Conservation Commission signed the Minimum Impact Expedited Application

APPROVE PERMIT:

Impact 849 square feet of forested wetland to install five (5) puncheon boardwalks on Jolly Rand Trail.

With Conditions:

1. All work shall be in accordance with plans by HBLA, Inc. dated July 6, 2005 and revised July 19, 2005, as received by the Department on July 25, 2005.
2. DES Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. Work shall be done during low flow conditions.
5. No fill shall be done for lot development.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of jurisdictional forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Pursuant to Wt 304.04, the applicant received written consent from the abutter identified as Marshall Farms Crossing Condominium Association concurring with the impacts within 20-feet of the property boundary.

**2005-01763                      WASHINGTON, TOWN OF**  
**WASHINGTON    Unnamed Stream**

Requested Action:

Replace two 36" culverts with 37" x 54" x 30' pipe arch culverts on an unnamed stream and wetland at two separate locations on King Street.

\*\*\*\*\*

**APPROVE PERMIT:**

Replace two 36" culverts with 37" x 54" x 30' pipe arch culverts on an unnamed stream and wetland at two separate locations on King Street.

**With Conditions:**

1. All work shall be in accordance with plans by Ed Thayer, dated 6/29/05, as received by the Department on 8/1/05 (for culvert 1) and 8/15/05 (for culvert 2).
2. Work shall be done during low flow.
3. Work authorized shall be carried out such that discharges shall be avoided in spawning or nursery areas during spawning seasons, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
4. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Wt 303.04(x), replacement of a culvert.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The replacement of the culverts with larger pipe arch culverts is being done to alleviate flooding problems.

**AGRICULTURE MINIMUM**

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**2002-02001**

**HOWARD, HANNAH**

**EPPING Ditch**

**Requested Action:**

Approve name change to: Katherine Cooper, 72 Plumer Rd., Epping, NH 03042 per request received 8/19/2005.

\*\*\*\*\*

**APPROVE NAME CHANGE:**

Maintenance dredge 800 linear feet (7400 sq. ft.) of existing agricultural drainage ditches.

**With Conditions:**

1. All work shall be in accordance with plans by the Rockingham County Conservation District dated June 2002, as received by the Department on August 30, 2002.
2. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
3. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," NH Dept. of Agriculture, dated July 16, 1993, amended September 1998.
4. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
5. This permit shall be recorded with the county Registry of Deeds office by the permittee.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Work shall be done during low flow.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Wt 502.03(b).

**TRAILS NOTIFICATION**

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**2005-01865                      MVD LLC, ROBERT DUNNING**  
**PLAINFIELD   Unnamed Wetland**

COMPLETE NOTIFICATION:  
Plainfield Tax Map 102, Lot# 9

**LAKES-SEASONAL DOCK NOTIF**

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**2005-01838                      KOLE, JASON**  
**PITTSFIELD   Whites Pond**

COMPLETE NOTIFICATION:  
Pittsfield Tax Map R22, Lot# 2B Whites Pond

**2005-01839                      STOCKWELL, WILLIAM**  
**SUNAPEE   Otter Pond**

COMPLETE NOTIFICATION:  
Sunapee Tax Map 13, Lot# 28 Otter Pond

**2005-01840                      GILLIS, FEORGE & JULIA**  
**HARRISVILLE   North Pond / Lake Skatutakee**

COMPLETE NOTIFICATION:  
Harrisville Tax Map 20, Lot# 87B North Pond

**2005-01841                      PALFREY, DAVID/JUDITH**  
**FRANKLIN   Webster Lake**

COMPLETE NOTIFICATION:

Franklin Tax Map 35, Lot# 30 Webster Lake

**2005-01842                      MACFARLAND, DEAN**  
**NORTHWOOD   Long Pond**

COMPLETE NOTIFICATION:

Northwood Tax Map 206, Lot# 36 Long Pond

**SHORELAND VARIANCE / WAIV**

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**2004-02940                      PEERFACE COVE LLC, JULIA & LANSING FAIR**  
**CENTER SANDWICH   Squam Lake**

Requested Action:

Construct a 165 sq ft addition on an existing 300 sq ft seasonal camp not to encroach closer than the existing primary building of 8 ft 3 inches from the reference line and improve the stormwater management by removing driveway within 22 ft of the reference line and constructing two vegetated treatment swales.

\*\*\*\*\*

APPROVE AMENDMENT:

Construct a 165 sq ft addition on an existing 300 sq ft seasonal camp not to encroach closer than the existing primary building of 8 ft 3 inches from the reference line and improve the stormwater management by removing driveway within 22 ft of the reference line and constructing two vegetated treatment swales.

With Conditions:

1. All work shall be conducted in accordance with plans and vegetation plans as received by the department on April 26, 2005.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the recorded waiver is sent to the department.
3. Unnecessary removal of vegetation including shrubs and saplings, within the shoreland during construction shall be prohibited.
4. Erosion controls shall be maintained and completely removed when disturbed areas have become stable.
5. Take notice that any discharge to the lake does not conform with RSA 485-A:13, and may be subject to administrative fines, mitigation, or enforcement action of the alike.
6. All vegetation planted shall be native and of similar species to the immediate adjacent parcels of property. No invasive, ornamental, or exotics shall be planted.
7. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
9. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
10. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Squam Lake and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the

existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."

3. The applicant has proposed to improve the stormwater management by installing two vegetated swales along side the road and removing and revegetating an existing "U-shaped" driveway 22 ft away from the reference line, and constructing a smaller parking area 65 ft away from the reference line and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, II.

## PERMIT BY NOTIFICATION

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**2005-00848                      DUNN, CHESTER**  
**DURHAM    Unnamed Pond**

Requested Action:

Maintenance dredge existing pond.

\*\*\*\*\*

**2005-01487                      TOWNSEND, RICHARD**  
**PEMBROKE    Man-made Ponds**

Requested Action:

Applicant proposes to dredge two man-made ponds. Pond #1, to the north, is 7800 sq. ft. and will have less than 3700 sq. ft. of 1' dredge material dredged from it. Pond #2, south of Pond #1, is 10200 sq. ft. and will have less than 5000 sq. ft of 1' dredge material dredged from it. Both ponds will remain the same size, only being dredge around the edges where cattails are growing.

\*\*\*\*\*

Conservation Commission/Staff Comments:

ConCom signed 6/13/05. Incomplete letter sent 7/15/05. 8/04/05 20th day. No response. Rec'd applicants agent's response 8/12/05

COMPLETE NOTIFICATION:

Applicant proposes to dredge two man-made ponds. Pond #1, to the north, is 7800 sq. ft. and will have less than 3700 sq. ft. of 1' dredge material dredged from it. Pond #2, south of Pond #1, is 10200 sq. ft. and will have less than 5000 sq. ft of 1' dredge material dredged from it. Both ponds will remain the same size, only being dredge around the edges where cattails are growing.

**2005-01856                      NH DEPT OF TRANSPORTATION**  
**SWANZEY    California Pond**

Requested Action:

Install an 8" PVC pipe with a 15" x 20" intake screen to be placed in the far eastern corner of the pond. Water level will be 8" above a 4'x 5' manhole section

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